

LOUDOUN COUNTY ZONING ORDINANCE

Planned Development –Mixed Use Business District (Pd-MUB)

April 12, 2002

Public Review Draft

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Section 4-1500 Planned Development –Mixed Use Business District (PD-MUB).

Comment: *This PD-MUB District is an “umbrella” district that implements the Revised General Plan’s Suburban Policy Area policies governing development of mixed-use general business areas, and specifically implements the policies governing high density residential (when mixed with business uses), regional office, and light industrial uses. The existing PD-IP and PD-OP districts were used as templates for format and, to a lesser degree, substance.*

4-1501 Purpose.

The district is established to encourage a high-quality mix of complementary and compatible uses in primarily business settings. These districts are appropriate in locations adjacent to major transportation corridors in the County, as shown on the Land Use Map in the Revised General Plan, including but not limited to Highway 50. Although regional office and/or light industrial uses will predominate the mix and support the primary business function of the district, compatible high-density residential uses and service-area based retail and service uses will be important subordinate elements of each PD-MUB district. A variety of high-density residential housing types is encouraged in the district, where appropriate, as a means of promoting a sustainable and localized living and working environment.

The regional office and light industrial uses will be the prominent features of the district when viewed from the adjacent major transportation corridors. Nonetheless, all uses in the district will be sited and designed to create a compact, pedestrian-friendly environment, for the benefit both of residents living within the district, and of public transit riders, employees, and other visitors to the district. Nonresidential uses in the districts will not be allowed to strip along the highway corridors; instead, district regulations require controlled vehicle access to such development and configuration on walkable blocks and streets. Development design must preserve on-site primary and secondary conservation areas through the conservation design process. Organization of district activity and land uses around on-site amenities, such as lakes, parks, or other common open areas, or around a proposed public/civic use, is strongly encouraged.

Residential and nonresidential uses will not be totally segregated from each other, but will instead be connected through compatible building scales and features, as well as through on-site sidewalks, trails, and other pedestrian ways, and accessible open spaces and parks. The district regulations are intended to encourage vertical mixing of uses in appropriate circumstances and locations, while at all times assuring compatibility between adjacent land uses in terms of operations, vehicle access and circulation, and building scale/design.

4-1502

District Location and Minimum Size.

(A) **Locational Criteria.** A PD-MUB District is subject to the following locational criteria:

- (1) The district shall be located in an area served by primary state highways or major arterials, including but not limited to Highway 7 and Highway 50, or in an area served by one or more major collector roads.
- (2) The district shall be located in an area served by public water and sewer facilities.
- (3) The district location shall not negatively affect established residential neighborhoods in adjacent zone districts, if any, by promoting through-traffic and other such intrusions to the neighborhood.
- (4) Because of the planned land-use intensity, the district location shall not create adverse impacts on the planned regional road network or planned regional transit facilities that cannot be substantially mitigated.

(B) **Minimum District Size.**

Comment: *The point of a minimum district size requirement is to encourage joint planning among multiple landowners, to ensure overall plans for development in the district of enough land area to achieve an integration of different uses, and to discourage piecemeal development that would likely fall short of the Revised General Plan's vision for regional office and light industrial uses, mixed with residential and other supporting uses, in the suburban policy area.*

- (1) An application to rezone to a PD-MUB district shall include a minimum gross land area of fifty (50) acres.
- (2) The County may allow incremental and contiguous additions of a minimum of five (5) acres to an existing PD-MUB zoning district, if the rezoning application:
 - (a) Is consistent with the intent of the PD-MUB district,

- (b) Provides uses or a mix of uses complementary to the mix of uses planned or developed in the adjoining, existing PD-MUB district, and
- (c) Demonstrates site and building designs that will be compatible with, and integrated with, the adjoining, existing PD-MUB district.

Option: *Do not require a minimum district size; instead, encourage consolidation of small lots by tying the range of permitted uses to development parcel size. For example, allow single-purpose residential or office uses at relatively low densities/FAR on small parcels (e.g., less than 50 acres), but allow higher densities/FAR and a mix of uses when the development parcel is larger than the threshold. See proposed provisions to implement this option in draft Section 4-1508 below.*

4-1503

Rezoning & Development Process Requirements.

- (A) **CDP with Rezoning Applications.** Rezoning to and subsequent development under this district will be permitted only in accordance with a Concept Development Plan approved according to the review criteria in Section 4-1504, below, and according to Section 6-1500 of this Ordinance. Flexibility in design options will be allowed.
- (B) **CDP Prior to Subdivision/Site Plan Approval (50 Acres or More).** An approved Concept Development Plan is required prior to submission of an application for preliminary subdivision plat or site plan approval for any development site containing 50 acres or more. In the event that PD-MUB District zoning is in place for the subject property, but there is no approved Concept Development Plan in effect, the applicant must submit a Concept Development Plan for approval prior to an application for preliminary subdivision plat or site plan approval for any development site containing 50 acres or more. Such application for a Concept Development Plan shall be reviewed according to the review criteria in Section 4-1504, below, and the procedures stated in Section 6-1500 (“Rezoning to Planned Development PD Districts”) of this Ordinance.
- (C) **Preparation of CDP.** All Concept Development Plans required by this section shall be prepared according to Section 6-1500 of this Ordinance, and in addition shall include metes and bounds

descriptions of proffered, dedicated, or set-aside lands, as relevant, and shall include and graphically show the following items:

- (1) The type and scale of proposed uses, including elevation drawings, sections, and perspective renderings;
- (2) The proposed intensity of development (i.e., residential densities and floor area ratios); and
- (3) The physical and functional integration of the proposed mix of land uses, including but not limited to pedestrian and vehicle connections between uses, and from the uses to planned or existing transit stops and transit parking.

4-1504 Review Criteria for PD-MUB Zoning.

In addition to the general review criteria applicable to all PD rezoning applications in Section 1605 of this Ordinance, the Board shall review all applications for rezoning to a PD-MUB district for compliance with all applicable standards in this Section 4-1500 and with the following criteria:

Comment: *The following criteria are derived from applicable Revised General Plan policies for General (Suburban) Business Uses.*

- (A) The proposed development is located within an area consistent with Section 4-1502, “District Location and Minimum Size,” above;
- (B) The district’s primary business uses shall be concentrated in a compact node organized around the intersection of two arterial streets, or an arterial and major collector streets. Proposed PD-MUB districts that exhibit a distinct “strip” configuration of nonresidential uses along a major transportation corridor are prohibited.

Comment: *The above criterion generally tracks General Business Land Use Policy #2 (p. 6-18) in the Revised General Plan.*

- (C) The Concept Development Plan demonstrates a coordinated, compatible, and interconnected relationship between planned light industrial and office uses, residential uses, and supporting service and retail uses under consideration for the district.

- (D) Proposed uses, intensity, and site and building designs, as shown on the Concept Development Plan, will be compatible with existing and planned development by incorporating high standards of urban design, including provisions for pedestrian movement and access.
- (E) As evidenced by the applicant in a market study or other relevant report, the market area and population threshold should be large enough for the proposed district business uses to financially support themselves and not depend upon that portion of the population that is already served by existing and proposed competing projects.
- (F) Accessible open spaces shall be designed into the project to integrate—through use of pathways, water features or amenities, public gathering areas, landscape features, and similar features—all mixed-use activities and structures.
- (G) Any potential adverse impacts of parking, signs, and other associated activities on the surrounding community are substantially mitigated.
- (H) There will be adequate capacity of utilities and transportation facilities, according to County-adopted levels of service, to serve the proposed district at the time the need or demand for such facilities occurs.
- (I) The potential fiscal and environmental impact of the proposed district have been considered, and the County finds that any impacts will not adversely or significantly affect the County or surrounding community, or are outweighed by the countervailing public benefits from the rezoning.

4-1505 Permitted Uses.

The following principal use groups and specific use types shall be permitted in a PD-MUB district, subject to compliance with Sections 4-1507 below (Mix of Uses) and 4-1508 (Use Incentive for Lot Consolidation). The description of specific types of uses permitted in each general use group is found in Section 5-1102(B), “Use Groups for Purposes of Off-Street Parking.” Any principal use group or specific use type listed in Section 5-1102 but not listed below, or not allowed by special exception in Section 4-1506 below, shall be prohibited in the district.

Note: During Phase 2 of the code revision project, all the following uses allowed in the PD-MUB district will be presented in a use table, rather than in list fashion, as shown below.

(A) **Residential Uses.**

- (1) Single-family attached dwellings.
- (2) Multi-family dwellings.
- (3) Elderly housing.
- (4) Commercial lodging, pursuant to Section 5-611, as applicable.
- (5) Congregate, convalescent, and nursing homes.
- (6) Child or adult care centers, pursuant to Section 5-609, as applicable.

(B) **Retail/Service Uses.**

- (1) **Employment Supportive Retail/Service Uses Allowed.** Retail/service uses allowed by this section in the PD-MUB District shall primarily service the convenience retail and personal support service needs of the district's local residential and business communities. Such uses, by way of illustration only, may include office supply stores, restaurants, day care centers, dry cleaners, and banks.
- (2) **Permitted Retail/Service Uses—General Rule.** Subject to any limitations specified in this subsection (B), the following retail/service use groups as defined and described in Section 5-1102(B)(2) of this Ordinance, including the specific use types described therein, are permitted:
 - (a) General Retail.
 - (b) Convenience Retail.
 - (c) Service Retail.
 - (d) Personal Care Services.
 - (e) Motor Vehicle Sales & Service, but limited to the following specific use types only:

(i) Automobile rental agency, with no on-site parking or storage of rental vehicles.

(ii) Motor vehicle service and repair, light.

(3) **Limits on Permitted Retail/Service Uses.** Retail/service uses allowed by this subsection (B) are subject to the following limitations:

(a) Retail/services uses with drive-through facilities are allowed as special exceptions only, according to Section 4-1506 below.

Comment: *The following two criteria are adapted from the County Retail Plan policies for Service-Area Based Retail (p. 14) and Employment Supportive Retail Centers (p. 18). They also work to avoid strip development patterns.*

(b) The retail/service use shall not have direct access from an arterial street.

(C) **Food and Beverage Services.** All food and beverage service uses listed in Section 5-1102(B)(3) are permitted, subject to the same limitations and requirements applicable to retail/service uses stated in subsection (B) above.

(D) **Retail/Food and Beverage Sales—Ambulatory Vendors and Mobile Vending Carts.** General retail sales or provision of food and beverage services by ambulatory vendors or through the use of mobile vending carts are permitted as a principal use in the PD-MUB district, subject to the following conditions. (Temporary sales from ambulatory vendors and mobile vending cards shall be allowed only subject to Section 5-500 of this Ordinance.)

(1) Vendors and carts operating in public places shall comply with any applicable County permit or licensing requirements.

(2) Vendors and carts on private property are restricted to one (1) vendor or cart per property, unless otherwise allowed by the County in the terms of an approved Concept Development Plan or subsequent site development plan.

(3) Mobile vending carts shall be non-motorized and moveable by one person, and may not exceed six (6) feet in length not including a trailer hitch.

(E) **Office and Business Services.** All office and business service uses listed in Section 5-1102(B)(4) are permitted, except that office and business services with drive-through facilities accessory or integral to such uses are allowed as special exceptions only, according to Section 4-1506 below.

(F) **Industrial Uses.**

(1) Light industry, as defined in Article VIII of this Ordinance, provided the following conditions are met:

(a) The use is contained completely in an enclosed building; no outdoor storage or outdoor operations are allowed.

(b) The use does not produce any adverse noise, odor, or vibration impacts that exceed the limits established in Section 5-1500 ("Performance Standards"). Applicable vibration standards shall be those stated for "light intensity land uses" in Section 5-1505(C).

(c) Flex industrial use shall comply with the standards stated in Section 5-608.

Comment: *Should Section 5-608's 2-story limit on the height of flex space use apply in this PD-MUB District?*

(2) Research and development uses, and other establishments for general research, scientific research, development and/or training where assembly, integration, and testing of products in a completely enclosed building are incidental to the principal use of scientific research, development, and/or training.

(G) **Communication and Private Utility Uses.**

(1) Recycling drop-off center, private, pursuant to Section 5-607.

(2) Telecommunications antenna, pursuant to Section 5-618(A).

(H) **Government/Public Uses and Civic Uses.**

- (1) Government administrative offices.
- (2) Fire and/or rescue station (public and non-public).
- (3) Police station.
- (4) Post office, drop-off and pick-up only.
- (5) Public park, playground, or plaza.
- (6) Recycling drop-off center, public, pursuant to Section 5-607.
- (7) Sewer pumping station.
- (8) Utility substation, dedicated.
- (9) Water pumping station.

(I) **Cultural, Institutional, Recreational, and Entertainment Uses.**

- (1) The cultural, institutional, recreational, and entertainment uses listed in Section 5-1102(B)(11)-(12) are permitted, except as stated below:

- (a) Stadiums and arenas, performing arts centers, and similar large, public assembly uses in a single structure or building, which are designed to accommodate crowds of 8,000 persons or more, are prohibited.

Comment: *The 8,000 capacity threshold is intended to preclude the scale/type of “special activity use” that the County would prefer to locate in the PD-TREC District or the PD-SA zone.*

- (b) Outdoor recreation establishments are allowed only as special exception uses.
 - (c) Hospitals, as described in Section 5-1102(B)(12)(b), are allowed only as special exception uses.
- (2) In addition, the following cultural, institutional, recreational, and entertainment uses are permitted in the district:

(a) Conference or training centers, as defined in Article VIII of this Ordinance.

(b) Educational institutions, as defined in Article VIII of this Ordinance.

(J) **Transportation Uses.**

(1) Mass transit facilities or stations, including park and ride facilities.

(2) Parking lot/valet services.

(3) Rail facilities, including park and ride facilities.

(K) **Miscellaneous Permitted Uses.**

(1) Recycling drop-off collection center, small, pursuant to Section 5-607.

(2) Radio and television recording studio.

(3) Wholesale trade establishment, provided the mix of uses in the PD-MUB District is according to “Option #2” in Section 4-1507(B)(2)(b), below.

(4) Dwelling, accessory to a permitted or special exception use.

4-1506 Special Exception Uses.

The following principal use groups and specific use types may be approved by the Board of Supervisors, according to the provisions of Section 6-1300, subject to compliance with Sections 4-1507 below (Mix of Uses) and 4-1508 (Use Incentive for Lot Consolidation). All special exception uses in the PD-MUB District shall require a site plan according to Section 6-700 of this Ordinance and according to Chapter 1244, Site Plan Procedures, in the *Loudoun County Subdivision and Development Ordinance*.

The description of specific types of uses permitted in each general use group is found in Section 5-1102(B), “Use Groups for Purposes of Off-Street Parking.” Any principal use group or specific use type listed in Section 5-1102 but not listed below, or not permitted in Section 4-1505 above, shall be prohibited in the PD-MUB district.

1 (A) **Retail/Service Uses.**

- 2 (1) Automobile rental agency, with on-site parking or storage
3 of rental vehicles.
- 4 (2) Automobile service station.
- 5 (3) Car wash; including car wash accessory to a convenience
6 food store, pursuant to Section 5-617.
- 7 (4) Gas pumps accessory to a convenience food store, pursuant
8 to Section 5-617.
- 9 (5) Retail/services uses with drive-through facilities.

10 (B) **Office and Business Services.**

- 11 (1) Office and business services with drive-through facilities.

12 (C) **Cultural, Institutional, Recreational, and Entertainment Uses.**

- 13 (1) Hospitals.
- 14 (2) Recreational establishment, outdoor, including golf
15 courses, golf driving ranges, and miniature golf.
- 16 (3) Schools, public or private, but not including Educational
17 institutions, as defined in Article VIII of this Ordinance.

18 (D) **Communication and Private Utility Uses.**

- 19 (1) Telecommunications antenna, pursuant to Section 5-
20 618(A).
- 21 (2) Telecommunications monopole, pursuant to Section 5-
22 618(B)(2).
- 23 (3) Telecommunications tower, pursuant to Section 5-
24 618(C)(2).

25 (E) **Government/Public Uses and Civic Uses.**

- 26 (1) Library.
- 27 (2) Public utility service center without storage yard.

(3) Utility substation, distribution, pursuant to Section 5-616.

(4) Utility substation, transmission, pursuant to Section 5-616.

(5) Utility transmission lines, overhead.

(6) Water treatment plant.

(F) **Storage/Processing/Wholesale Uses.**

(1) Contractor service establishment, excluding outdoor storage.

(2) Wholesale trade establishment when the mix of uses in the PD-MUB District is according to “Option #1” in Section 4-1507(B)(2)(a), below.

(G) **Transportation Uses.**

(1) Heliport, helistop.

(2) Mass transit facilities and stations.

4-1507 Mix of Land Uses.

(A) **Purpose and Intent.** This section ensures that the PD-MUB District will contain a mix of different principal uses that are complementary to each other, and that can engender a sustainable, localized living and working environment.

(B) **Mix of Uses Required.**

(1) **Applicability.** This Section 4-1507, “Mix of Uses,” shall apply only to applications to rezone to a PD-MUB district, or to subdivision or site plan applications for parcels already zoned PD-MUB, that contain a total gross land area of 50 acres or more. *See* Section 4-1508, “Use Incentive for Lot Consolidation,” below, for use standards applicable when the parcel size is less than 50 acres.

(2) **Mix of Use Options.** An application subject to this Section 4-1507 shall provide a mix of principal land uses that corresponds to one of the following two options:

(a) **Option #1: Regional Office as Predominant Use**

Land Use Category		Amount of Use Required (% of Gross Land Area)	
		Minimum	Maximum
A	Residential Uses [see subsection 4-1507(C) below]	15%	25%
B	Office and Business Services	50%	70%
C	Commercial Retail & Service Uses [see subsection 4-1507(D) below]	0%	10%
D	Light Industrial Uses	0%	20%
E	Overall Commercial & Light Industrial (C + D)	0%	20%
F	Public and Civic	5%	None
F	Public Parks & Open Space	10%	None

(b) **Option #2: Light Industrial as Predominant Use.**

Land Use Category		Amount of Use Required (% of Gross Land Area)	
		Minimum	Maximum
A	Residential Uses [see subsection 4-1507(C) below]	0%	25%
B	Commercial Retail & Service Uses [see subsection 4-1507(D) below]	0%	10%
C	Office and Business Services	0%	40%
D	Light Industrial Uses	45%	85%
E	Overall Commercial & Office/Business Uses (B + C)	0%	20%
F	Public and Civic	5%	None
F	Public Parks & Open Space	10%	None

(C) **Residential Uses in a PD-MUB District/Bonus Provisions.**

- (1) **Minimum Buildable Area Required.** Notwithstanding the requirements for a mix of uses in subsection (B) above, residential uses are permitted as part of the mix of principal uses in a proposed PD-MUB district only when the application subject to this Section 4-1507 includes a total non-residential buildable area of 75 acres or more.

Note to Above: This 75-acre threshold before residential uses will be allowed comes from the Revised General Plan,

Regional Office Uses, Policy #1 (p. 6-29). See Section 4-1521 for a suggested definition for "buildable area."

(2) **OPTION: Bonus Density for Residential as Part of Mix.** *Subject to compliance with subsection (C)(1) above, when residential uses are included within a PD-MUB district in an amount greater than the minimum required under either option in subsection (B) above, the residential uses may be developed at densities that shall not exceed 125% of the maximum residential density established in Section 4-1510, below.*

(D) **Limitations on Commercial Retail Uses in a PD-MUB District.**
Notwithstanding the amounts of commercial retail/service uses allowed in subsection (B) above, the total amount of Commercial Retail uses in a PD-MUB district shall not exceed 5% of the total combined gross floor area of all non-residential uses in District (but not including public parks and open space uses).

Comment/Option: *The above standard is one approach to address the interplay between the Retail Plan policies, which limit the amount of Employment Supportive Retail Centers, and the Revised General Plan land-use mix options for the PD-MUB district. As drafted, the 5% limit on retail is applied district-wide; alternately, the 5% limit might be applied to each separate development proposal within the district.*

(E) **Form of Mixed Use Development in District.**

Uses may be mixed horizontally with different principal uses in more than one building on a development site, or uses may be mixed vertically with more than one principal permitted use in the same principal building. A building in the PD-MUB district may have retail on the ground floor and residential and/or office uses on the upper floors. "Live/work" buildings, with studio/workshop space on the ground floor of the principal building and residential units located either above or behind the work space, are also allowed.

(F) **Mix of Uses Required in Phased Developments.**

(1) **Intent/Applicability.** Subject to the overall mix of use ratios established under subsection (B) above, phased

development in a PD-MUB District shall include a mix of approved principal uses in each phase, so that no one type of use predominates the district at any one time.

(2) **Minimum Mix of Principal Uses Required Per Phase.**

Each phase of a multi-phased development approved in the PD-MUB District shall include at least two (2) different principal land uses. In addition, the following conditions shall apply:

- (a) No one principal use type shall comprise more than 80% of the total gross land area proposed for development in that phase.
- (b) The retail/service component of the overall mix of uses shall be developed on a pro-rata basis in proportion to the total amount of office and business service and light industrial uses approved in the Concept Development Plan. For example, if the approved Concept Development Plan includes 50,000 square feet of retail/service and 1,000,000 square feet of office and business service uses, for every 100,000 square feet of office and business service uses constructed, at least 5,000 square feet of retail/service uses must be constructed.

Comment: *Subsection (2)(b) above is from the Retail Plan (policy #3) for Employment Supportive Retail Centers—should this, as suggested here, be codified in the new PD-MUB zoning?*

Option: *Do not require each phase to have a mix of uses. But if the first phase includes only one of the proposed mix of uses, require a time table for completion of all phases, and adequate assurance from the master developer—including deed restrictions or enforceable covenants—that commits the latter phases to the approved mix of uses.*

4-1508 [OPTION] Use Incentive for Lot Consolidation.

Comment: *Instead of setting a minimum district size to encourage lot consolidation, especially in areas along the Highway 50 corridor planned for business use, this section would seek to encourage lot consolidation by permitting a greater range of uses, at greater densities and FAR, as the size of the proposed district or development parcel increases. The 50-acre threshold is suggested for consideration and feedback.*

Even if a minimum district size standard is retained, this section might still be applicable to address parcels less than 50 acres that are proactively mapped by the County to the PD-MUB district. It may be appropriate in such case to rename this section 4-1508 to "Use Limitations for Development Sites Less Than 50 Acres."

(A) PD-MUB Districts or Development Parcels Less Than 50 Acres. When the total gross land area that is the subject of a PD-MUB district rezoning request, or an application for subdivision or site plan for parcels already zoned PD-MUB, is less than 50 acres, the following restrictions on the permitted mix of uses shall apply:

- (1) Only one principal permitted use, plus the minimum amount of public parks and open space as stated in Section 4-1512(B), below, may be developed within the district or on the development parcel. A mix of two or more principal uses, except for public parks and open space, within the district or on the parcel is prohibited.
- (2) Residential uses may be developed, but only to a maximum density that is 50% of the maximum established in Section 4-1510(D) below.
- (3) Nonresidential uses may be developed, but only to a maximum district-wide average floor area ratio (FAR) that is 50% of the maximum FAR established in Section 4-1510(G) below.

(B) PD-MUB Districts or Development Parcels 50 Acres or More. When the total gross land area that is the subject of a PD-MUB district rezoning request, or an application for subdivision or site plan for parcels already zoned PD-MUB, is 50 acres or more, Section 4-1507, "Mix of Uses," above, shall apply, which requires a minimum and maximum mix of principal uses.

4-1509 Accessory Structures and Uses.

(A) Accessory structures and uses shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.

(B) Uses and structures accessory to a principal office or business service use, exclusive of accessory parking, shall not occupy more than five percent (5%) of the land area of the individual lot.

(C) **Accessory Outdoor Storage.**

(1) The following standards shall apply to all principal residential, commercial retail/service, office or business service, or food/beverage service uses:

(a) Outdoor storage of materials, waste, or equipment is prohibited as accessory to a principal residential, commercial retail/service, office or business service, or food/beverage service use.

(b) Landscaping, buffering, and screening shall be used to screen all outdoor accessory refuse collection areas, parking, and loading areas from streets and residential uses.

(2) The following standards shall apply to all principal uses except principal residential, commercial retail/service, office or business service, or food/beverage service uses:

(a) Outdoor storage of new and reusable materials, equipment, and vehicles shall be permitted within enclosed areas that are composed of mixed wood, masonry walls, plantings, or other suitable barriers approved by the Zoning Administrator. Such areas must be buffered and screened on the periphery of the storage area.

(b) Waste materials shall be stored in a closed container. The burning of waste materials is prohibited.

4-1510 Building, District Intensity, and Lot Requirements.

(A) **Intent.** The intent of this Section's standards is to create a relatively compact and walkable form of mixed-use development, interspersed with accessible open areas and site amenities, in the

PD-MUB District. Building heights and development intensity should transition downward toward district edges adjacent to the surrounding community or to lower-intensity uses. Building heights and development intensity should also step down when necessary to provide a compatible transition to adjacent, lower-intensity uses, especially when the adjacent land use is single-family detached dwellings.

(B) **Accommodations for Conservation Design.**

Comment: *The following provisions allowing administrative and Board modifications to development standards to protect primary conservation areas will be revisited during the public review process as further deliberation and direction is made on how to implement the Revised General Plan's policies regarding Conservation Design.*

- (1) Zoning Administrator Authority to Modify. The Zoning Administrator may modify any of the specific building, intensity, and lot requirements in this Section 4-1510, including but not limited to lot size, lot coverage, and yard standards, by no more than 10%, in order to accommodate preservation of primary and secondary conservation areas, according to Section 6-____, "Conservation Design Process," of this Ordinance. The Zoning Administrator may allow such modification if he finds there will no substantial adverse impacts on adjacent land uses and properties.
- (2) Board of Supervisors Authority to Modify. As a condition of rezoning, the Board of Supervisors may modify any of the specific building, intensity, and lot requirements in this Section 4-1510, including but not limited to lot size, lot coverage, and yard standards, by no more than 25%, in order to accommodate preservation of primary and secondary conservation areas, according to Section 6-____, "Conservation Design Process," of this Ordinance. The Board may allow such modification if it finds there will no substantial adverse impacts on adjacent land uses and properties.

(C) **Building, District Intensity, and Lot Requirements for Residential Development.**

- (1) The approved Concept Development Plan for a PD-MUB district that includes permitted residential uses shall designate which individual land bays of the proposed district shall be developed for residential uses, the maximum size of the land bay, and the number of units per land bay to be developed.
- (2) Single-family attached residential uses in the PD-MUB districts shall follow those lot size, lot width, lot coverage, yard, and maximum units per building requirements set forth in the R-16 zoning district for such uses, and shall designate such requirements on the preliminary subdivision plan.
- (3) Multi-family residential uses in the PD-MUB districts shall follow those lot size, lot width, lot coverage, yard, and maximum units per building requirements set forth in the R-24 zoning district for such use, and shall designate such requirements on the preliminary subdivision plan.

(D) **Minimum Lot Size.**

- (1) **Residential Uses:** See subsection (C) above.
- (2) **Nonresidential Uses:** One (1) acre minimum, exclusive of floodplain
 - (a) **Note:** *Same as PD-OP and PD-IP zone districts.*

(E) **Maximum Lot Coverage.**

- (1) **Residential Uses.** See subsection (C) above.
- (2) **Nonresidential Uses.** Forty-five (45) percent.
 - (a) **Landscaped Open Areas on Lots.** Landscaped open areas on any individual lot shall not be less than .20 times the buildable area of the lot. Such open areas shall be landscaped and maintained according to Section 5-1400, "Buffering and Screening."

(F) **Maximum Building Height.**

Comment: *The following 45 and 60 feet by-right heights are new suggestions; the existing height limits for nonresidential uses in the PD-OP and PD-IP zones are 35 feet, by right, with ability to go up to 100 feet with a corresponding 2:1 increase in the setback. The greater heights are intended to encourage relatively more intensity in these new zones and vertical mixed-use buildings, and to allow more easily the construction of 3-story multi-family residential buildings. Proposed transition standards may trump these maximum heights if necessary for compatibility with adjacent uses. See Section 4-1518, "Transition Standards," below.*

(1) **Residential Uses.**

(a) Townhouse Dwellings and Other Single-Family Attached Dwellings: Thirty-five (35) feet.

(b) Multi-Family Dwelling: Forty-five (45) feet, except a multi-family structure may be erected to a maximum of 55 feet if it is setback from streets or from lot lines in addition to each of the required minimum yard dimensions, a distance of not less than two (2) feet for each one (1) foot of height that it exceeds the 45-foot limit.

(2) **Residential Uses in a Mixed-Use Building.** When residential uses are mixed with other uses in the same building, such as a building that combines ground floor office or retail uses with upper-story residences, the maximum building height shall be sixty (60) feet.

(3) **All Other Uses.** Sixty (60) feet maximum, provided that a building may be erected to a maximum height of one hundred (100) feet if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than one (1) foot for each one (1) foot of height that it exceeds the 50-foot limit.

(G) **Permitted Density & Intensity of Development.**

(1) **Residential Density Standards.**

Note: *The following density range is from the Revised General Plan policy for “High-Density Residential” in the Suburban Policy Area (p. 6-15).*

(a) **Minimum Density:** 8.0 dwelling units per gross acre.

(b) **Maximum Density:** 16.0 dwelling units per gross acre.

(c) **Option #1: Density Credit for Residential Uses in a Mixed-Use Building.** When residential uses are developed in the same building as nonresidential uses, such as a building that combines ground floor office or retail uses with upper-story residences, each dwelling unit in the mixed-use building shall count as ½ dwelling unit for purposes of calculating the maximum density in the district. Nothing in this provision shall be interpreted to exempt the development from compliance with the maximum residential use mix standards in Section 4-1507, above.

Option #2: *Totally (100%) exempt the dwelling units in a mixed-use building from maximum residential density calculation.*

(2) **Floor Area Ratio (FAR) for Nonresidential Uses.**

(a) **Maximum District-Wide Average FAR:** .60.

(b) **Minimum FAR on an Individual Building Site or Lot:** .30.

Note: *The following FAR standard is based on a similar standard in the PD-OP district.*

(c) **Maximum FAR on an Individual Building Lot/Site:** No maximum, provided the following conditions are met:

(i) The district-wide average FAR for nonresidential uses does not exceed the

maximum stated in subsection (2)(a) above,
and

(ii) The County finds that the Concept Development Plan and subsequent subdivision or site plan applications evidence all of the following:

1. Adequate utilities and other public services and infrastructure will be in place and available at the time the development creates the demand for such utilities, services, and infrastructure.
2. The applicant provides a traffic analysis that shows no significant, adverse impacts on the surrounding local and regional roadway network, and especially Highways 7 and 50, or that all significant adverse impacts will be substantially mitigated in order to maintain County-approved levels of service for such roadways.
3. The development complies with the performance, development, and design standards applicable to the PD-MUB District, including but not limited to the provision of pedestrian and bicycle travel ways.

(iii) For any lot with a Floor Area Ratio other than .60, the Floor Area Ratio shall be shown on the approved record plat and site plan for the lot.

(iv) A revised Concept Development Plan shall be submitted with the preliminary site plan to illustrate the Floor Area Ratio for the entire district if individual lots are allowed to increase FAR following adoption of the rezoning.

(d) **FAR Credit for Residential Uses in a Mixed-Use Building.** When residential uses are developed in the same building as nonresidential uses, such as a building that combines ground floor office or retail

uses with upper-story residences, the gross floor area devoted to the residential uses shall be credited toward the minimum FAR requirement stated in subsection (D)(2)(b), above.

(H) **Yards Requirements.**

Comment: *Currently, the following yard requirements would apply in addition to the major road setbacks required by Section 5-900 of this Ordinance. Section 5-900 requires building and parking setbacks on Highway 7 varying from 100 to 300 feet, and on Highway 50 varying from 100-200 feet. Thus, one issue is whether those setbacks should be reduced to some extent to encourage a more compact and walkable form, as well as a more transit-friendly development, in this PD-MUB district.*

(1) **Minimum Yards Adjacent to Roads.** No building, parking, building, permitted outdoor storage, areas for refuse collection, or loading areas shall be permitted closer than fifty (50) feet to the planned right-of-way of any arterial road, twenty-five (25) feet to the planned right-of-way of any major collector road, and ten (10) feet to the planned right-of-way from any other road.

(a) **Uses/Activities Permitted in Minimum Required Yard Area.** In addition to the uses and activities allowed in a yard area by Section 5-200 of this Ordinance, accessory outdoor eating and seating areas may be located in a yard area.

(2) **Maximum Yards Adjacent to Roads.** Except as otherwise required by Section 5-900 (“Setbacks from Specific Roads”) of this Ordinance, no principal building shall be located further than one hundred (100) feet from the planned right-of-way of any arterial road, fifty (50) feet from the planned right-of-way of any major collector road, and twenty-five (25) feet from the planned right-of-way from any other road.

(a) **Uses/Activities Permitted in Yard Provided Between Building and Road.** No parking, permitted outdoor storage, areas for collection of refuse, or loading area shall be permitted in the yard area provided between a building and street, where such uses are visible from the adjacent road.

Comment: *A maximum yard adjacent to roads is recommended to ensure a relatively more pedestrian friendly environment in what is admittedly a suburban setting. Ensuring that principal buildings are located no further than the specified distance assures that a pedestrian should be able to reach a front door without having to walk great distances from the closest public sidewalk.*

(I) **Yards Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.**

- (1) No outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than (100) feet to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses. No parking shall be permitted closer than fifty (50) feet to any such area. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from said agricultural and residential areas.
- (2) When a PD-MUB lot, parcel and/or land bay is developed adjacent to an agricultural district, an existing or zoned residential district, or land bay allowing residential uses, which was zoned for agricultural or residential uses subsequent to the adoption of this zoning ordinance and subsequent to zoning of the subject property as PD-MUB, the setback required in (H) below shall apply.

(J) **Yards Adjacent to Other Nonresidential Districts.** Fifteen (15) feet for buildings, parking, outdoor storage, and loading areas except where a greater area is required by Section 4-1518 (Transition Standards) or Section 5-1400 (Buffering and Screening). In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement shall be applied only at the property line and not at the zoning district line.

(K) **Yards Between Buildings.**

- (1) Where individual lots or building sites are provided, the minimum required yards between buildings on adjacent lots

1 or building sites shall be thirty (30) feet, unless a greater
2 yard is required by Section 4-1518 (Transition Standards)
3 or Section 5-1414(A), (Buffer Yard and Screening Matrix).
4 Driveways, parking, and covered entrances may be within
5 such yards, however, no such facility may be closer than
6 five (5) feet to lot lines, unless approved as a shared
7 driveway or shared service access pursuant to this Section
8 4-1500 and this Ordinance. Covered walkways connecting
9 buildings, or connecting buildings with parking areas, shall
10 be permitted in such yards.

- 11 (2) Where there is more than one building on an individual lot
12 or building site, spacing between such buildings shall be as
13 required for fire protection, but if space is left between
14 buildings, it shall be at least (25) feet in minimum
15 dimension. Covered walkways connecting buildings, or
16 connecting buildings with parking areas are permitted in
17 such yards and may traverse such space.

18 **4-1511 Block and Street Patterns.**

19 (A) **General Requirements.**

- 20 (1) The PD-MUB District shall be arranged in a generally
21 rectilinear pattern of interconnecting streets and blocks,
22 while maintaining respect for the natural landscape and
23 floodplain.

- 24 (2) The maximum block length in the PD-MUB District shall
25 be 400 feet, and the minimum block width shall be 220
26 feet.

27 (B) **Additional Requirements for the Nonresidential Areas within**
28 **District.**

- 29 (1) Each block that contains nonresidential uses shall include a
30 mid-block through-alley that permits secondary vehicle
31 access to land uses on the block.

32 **4-1512 Open Space and Resource Protection Requirements.**

- 33 (A) **Subject to Conservation Design.** To ensure maximum resource
34 protection, all development in the PD-MUB district shall be
35 subject to the Conservation Design Process in Section 6-___ of this
36 Ordinance.

1 (B) **Minimum Amount of Open Space Required.** As required in
2 Section 4-1507 above, a minimum of 10% of the total gross land
3 area that is the subject of either (a) a PD-MUB district rezoning
4 request, or (b) an application for subdivision or site plan for parcels
5 already zoned PD-MUB shall be set aside and permanently
6 reserved for public parks and open space.

7 (C) **Credit for Primary Conservation Areas.**

8 (1) **Credit for RSCOD Protected Corridors.** No more than
9 fifty (50) percent of the minimum 10% percent public
10 parks/civic/open space requirement in subsection (B) above
11 may be satisfied by land area identified as RSCOD
12 Protected Corridors during the Conservation Design
13 Process.

14 (2) **Credit for Other Primary Conservation Areas.** All
15 other primary conservation areas identified during the
16 Conservation Design Process shall be credited one hundred
17 percent (100%) toward the minimum ten (10) percent
18 public parks/civic/open space requirement in subsection (B)
19 above.

20 (3) **Credit for On-Site Amenities.** On-site amenities provided
21 according to either Section 4-1513, "On-Site Amenities for
22 Nonresidential Developments," or Section 4-1514, "On-
23 Site Amenities for Residential Developments," below, may
24 be used, without limitation, to satisfy the minimum ten (10)
25 percent public parks and open space requirements.

26 (4) **Credit for Buffers.** Landscaped buffer areas required by
27 Section 4-1518 (Transition Standards) or by Section 5-1400
28 (Buffering and Screening) shall comprise not more than
29 five (5) percent of the minimum public parks and open
30 space requirement.

31 (D) **Types of Parks and Open Space Allowed.** Subject to subsection
32 (B) above, the public parks and open space requirement may be
33 met by any combination of the following types of public or
34 common open space:

- (1) Community public parks that are at least three (3) acres in size.

Note: *From Revised General Plan, Suburban Policy Area, Open Space Policy #9 (p.6-8).*

- (2) Neighborhood public parks that are at least 20,000 square feet in size.

Note: *From Revised General Plan, Suburban Policy Area, Open Space Policy #9 (p.6-8).*

- (3) Secondary conservation areas, as identified during the Conservation Design Process.

- (4) Active recreational facilities, such as swimming pools, community recreation centers, ball fields, tennis courts, and similar facilities.

- (5) Passive recreational facilities, including picnic areas and equestrian or pedestrian trails.

- (6) Water features, such as ponds or lakes, that are wet year-round and meet the conditions stated in Section 4-1513(B)(5), below. Storm water management facilities may be credited toward the minimum public parks and open space requirement only if they are developed and maintained as year-round amenities that are visually and physically accessible to residents, employees, and visitors of the district.

(E) **Design Criteria for Parks and Open Space.** Park and open space land shall be compact, regularly shaped, and contiguous unless the land is used as a continuation of an existing greenway, trail, or other linear park, or unless specific topographic features require a different configuration. An example of such topographic features would be the provision of open space along a stream.

(F) **Ownership, Operation, and Maintenance of Common Open Space.** All land areas in a PD-MUB district identified as open space and protection areas in the Concept Development Plan or in any subsequent plat or plan, and that are not dedicated to the public, shall be owned, operated, and managed according to the provisions in Section 4-111, "Ownership, Operation, and Management of Common Open Space and Common Facilities."

4-1513 On-Site Amenities for Nonresidential Developments.

(A) **Intent.** On-site amenities and features, such as outdoor plazas, parks, and public art, often provide desirable open space, enhance the pedestrian environment in the district, and offer attractive spaces for people to gather, rest, shop, and eat. Such amenities/features generally create an inviting image for customers, visitors, and employees; provide areas for interaction; enhance the quality of development; and contribute to the character of the area.

(B) **Applicability/General Requirement.** All nonresidential development in the PD-MUB district containing 25,000 or more square feet of gross floor area shall incorporate at least two (2) of the following on-site amenities or features as highly-visible, easily-accessible, focal points or gathering places for residents, employees, and other visitors to the district:

(1) Patio or plaza with seating areas, provided such patio or plaza has a minimum depth and width of 10 feet, and a minimum total area of 300 square feet. For outdoor patios or plazas, asphalt is prohibited as a paver; use of decorative pavers or textured, colored concrete is required.

(a) Patios and plazas shall include pedestrian amenities intended to support these places as gathering areas. Amenities may include, but are not limited to, seating, lighting, special paving, planting, food and flower venders, artwork, and/or special recreational features.

(2) Landscaped mini-parks, squares, or greens, provided such park or green has a minimum depth and width of 10 feet and a minimum total area of 650 square feet.

(a) Such parks, squares, or greens shall include pedestrian amenities intended to support these places as gathering areas. Amenities may include, but are not limited to, seating, lighting, additional landscaping and plantings, food and flower venders, artwork, and/or special recreational features.

(3) On-site transportation amenities, including bus stops in coordination with _____ [**Staff:** *Please advise re. name of appropriate regional transit authority), or customer pick-up/drop-off stations*].

1 (4) Protected customer walkways; arcades; or easily
2 identifiable building pass-throughs containing window
3 displays and intended for general public access.

4 (5) Water feature, such as a lake, pond, or fountain, provided
5 the feature is easily accessed by pedestrians and includes or
6 integrates seating areas for pedestrians.

7 (6) Outdoor public art, as approved by the County, in an area
8 that is:

9 (a) Visible from an adjacent public sidewalk or street,
10 and

11 (b) Easily accessed for viewing by pedestrians.

12 (7) Street-level public restrooms immediately accessible from
13 building pass-throughs, public plazas or other public open
14 spaces, or enclosed plazas/atriums.

15 (8) Any other, well-designed area and/or focal feature that the
16 County finds is consistent with the intent of this subsection,
17 and substantially enhances such development and serves as
18 a gathering place for residents, visitors, customers, and
19 employees.

20 (C) **Credit Against Open Space Requirements.** The land area
21 developed for such on-site amenities may be used to satisfy the
22 minimum requirements set forth in Section 4-1512, "Open Space
23 Requirements," above.

24 (D) **Buildings Adjacent to Outdoor Amenities.** The following
25 standard is intended to encourage pedestrian use of outdoor
26 amenities, while at the same time enhancing the security of such
27 places. Accordingly, when a building will be adjacent to a
28 pedestrian plaza, patio, or park, the building shall contain at least
29 one (1) of the following elements on the side of the building facing
30 such outdoor amenity:

31 (1) A building entry,

32 (2) Windows facing onto plaza,

33 (3) Arcades along plaza edges,

34 (4) Outdoor seating areas or cafes, or

- (5) A similar feature that the Count finds will, to at least the equivalent degree, bolster security and encourages pedestrian use of the plaza.

4-1514 On-Site Amenities for Residential Developments.

- (A) **Intent.** Community amenities and features such as picnic areas and tot lots offer convenient and inviting spaces for residents to gather and recreate. Community amenities shall provide areas for passive and active recreation, enhance the overall quality of development, and contribute to the character of the area.

- (B) **Applicability/General Requirement.** All residential developments in the PD-MUB District, OPTION: except for residential dwellings mixed in the same buildings as nonresidential uses, shall incorporate on-site amenities from the list in subsection (C) below in the following amounts:

- (1) Residential developments with less than 25 dwelling units: 1 amenity;
- (2) Residential developments with 25 to 150 dwelling units: 2 amenities; and
- (3) Residential developments with more than 150 dwelling units: 3 amenities.

(C) **Allowable On-Site Amenities:**

- (1) Swimming pool.
- (2) Golf course.
- (3) Resident clubhouse.
- (4) Rooftop garden or patio area.
- (5) Two (2) tot lots with a minimum size of five hundred (500) square feet per lot.
- (6) Basketball, volleyball, or other sport court.
- (7) Two (2) picnic areas, with a minimum size of five hundred (500) square feet per area, and including a minimum of two (2) picnic tables and one (1) barbeque grill/pit per area.

(8) Any other, well-designed area and/or focal feature that the County finds is consistent with the intent of this subsection, and substantially enhances such development and serves as a gathering place for residents.

(D) **Credit Against Open Space Requirement.** The land area developed for such on-site amenities may be used to satisfy the minimum requirements set forth in Section 4-1512, "Open Space Requirements," above.

4-1515 Off-Street Parking.

(A) **Intent.** The intent of these off-street parking requirements is to implement the Revised General Plan vision of business areas in the Suburban Area and encourage the development of compact districts that can be easily navigated by pedestrians. Accordingly, these off-street parking standards seek to decrease the predominance of surface parking lots, which consume considerable land area and impeded walkability, and encourage alternatives such as shared parking or structured parking.

(B) **Applicability & Conflicting Provisions.** Notwithstanding the off-street parking requirements in Section 5-1102 of this Ordinance, the following off-street parking standards shall apply in the PD-MUB District. In case of any conflict between the off-street parking standards established in this Section 4-1515 and the off-street parking standards in Section 5-1102, the standards in this Section 4-1515 shall apply.

(C) **Amount of Off-Street Parking Spaces Required.**

(1) **Minimum Amount.** The minimum amount of off-street parking spaces shall be the minimum amount required by Section 5-1102 of this Ordinance for the specific principal use. The amount and location of vehicle stacking spaces for drive-through facilities, as applicable, shall be determined by the Zoning Administrator.

(2) **Maximum Amount.** The maximum amount of off-street parking required in the PD-MUB District shall be as follows:

(a) **Retail/Service Uses:** No more than 5 spaces per 1,000 square feet of gross floor area.

- (b) **Food and Beverage Service Uses:** No more than 5 spaces per 1,000 square feet of gross floor area.
- (c) **Industrial/Manufacturing Uses:** No more than 3 spaces per 1,000 square feet of gross floor area.
- (d) **Office and Business Service Uses:** No more than 5 spaces per 1,000 square feet of gross floor area.
- (e) **All Other Use Groups:** No maximum shall apply.
- (f) **Exemption for Off-Street Parking in Structures.** Any accessory, off-street parking spaces provided in a parking structure to serve a principal use in the district shall be exempt from any applicable maximum amount established by this subsection.

Options Regarding Maximum Amount of Parking:
Require that the maximum may exceed the minimum amount currently required in Section 5-1102 of the Zoning Ordinance by some limited percentage amount; e.g., the maximum cannot exceed the minimum by more than 110% or 125%.

(D) **Administrative Modifications to Amount of Off-Street Parking Required.** In addition to the reductions in the amount of off-street parking allowed through the special exception process by Section 5-1102(F) of this Ordinance, Zoning Administrator may allow the following administrative modifications:

- (1) **Reduction for Shared Parking and Loading Facilities.** In the case of mixed uses (not qualifying as accessory or complementary uses) in the same building, or two or more buildings upon a single lot or unified parcel, the total requirements for parking and loading facilities shall be the sum of the requirements of the various uses computed separately. However, cumulative parking requirements for mixed-use occupancies may be reduced where it can be determined by the Zoning Administrator that the peak requirement of the several occupancies occurs at different times (either daily or seasonally), and the parking demand can be provided on the premises.
- (2) **Reduction for Proximity to Transit Station/Center.** The amount of parking required by subsection (C) above may be reduced by a maximum of 25 percent when the principal land use is located within 1,500 feet from the outer edge of

an existing transit station or transit center, including stations and centers that provide bus and rail transit service.

- (3) **Credit for On-Street Parking.** In coordination with the Virginia Department of Transportation, the Zoning Administrator may allow on-street parking spaces located within 400 feet of the subject principal to be credited to meet up to 30% of the off-street parking spaces required by subsection (C) above.

(E) **Development Standards for Off-Street Parking Facilities.**

(1) **Surface Parking Lots.**

- (a) **Location of Accessory Surface Parking on Development Sites.** No more than 30 percent of the required off-street parking spaces, when provided in a surface parking lot that serves a principal use located in the district, may be located between a building and an adjacent public street, where such parking would be visible from the street.
- (b) **Location of Principal Surface Parking Lots.** A surface parking lot developed or used as a principal use in the district shall be located at least 50 feet away from the intersection of two public streets.
- (c) **Landscaping.** All surface parking lots shall be landscaped and screened according to Section 5-1413 of this Ordinance.
- (d) **Pervious Parking Surfaces.** The County strongly encourages the use of pervious parking surfaces where existing soil types and technology will allow.

(2) **Parking Structures.**

- (a) **General Requirements.** Off-street parking facilities in above-grade structures shall comply with all the following:
- (i) Entries to off-street parking structures shall be internalized in building groupings or oriented away from the primary street frontage, to the maximum extent practicable. At a minimum, all off-street parking facilities, including structured facilities,

shall have user access from alleys or from streets at locations that do not conflict with pedestrian circulation.

(b) **Parking Structures in a Nonresidential Land Bay.** Off-street parking facilities in above-grade structures are permitted to serve uses in a nonresidential land bay in the PD-MUB district, provided:

(i) All above-grade parking structures shall be landscaped and designed in a manner that is integrated with nearby building architecture to minimize visual impact. **(NOTE: existing PD-TRC std)**

(ii) The structure's ground floor, wherever it is adjacent to a public street other than an alley, shall be designed to accommodate commercial or other non-parking permitted uses that can provide more pedestrian-friendly activity at street level.

Option: *Limit the above requirement for ground-floor active/leasable space only to those sides of the structure adjacent to specified types of public streets, such as along arterials and major collectors.*

(iii) The bay depth of the structure's ground floor that will be used for other than parking use shall adequately accommodate the proposed use, and shall be at least 25 feet deep.

(iv) Except on sides abutting an alley, all other sides of the parking structure shall have architecturally articulated facades designed to screen the view of parked cars from pedestrians using the adjacent sidewalk or pedestrian walkway.

(F) **Amount of Off-Street Loading Spaces Required.** The minimum amount of off-street loading spaces required shall be the same amount required by Section 5-1102 of this Ordinance.

4-1516 Vehicle Access and Connections.

Comment: *Much of the vehicle access and connections goals expressed by the Revised General Plan for this mixed-use business district will be addressed by the standards in Section 4-1511, above, that establish maximum block dimensions. With the district organized into regular-sized blocks, an internal public street system is created that can work to disperse and distribute development-generated traffic to multiple access points, rather than funneling such traffic through a single primary access way. Multiple internal public streets, each carrying less traffic, can often be narrower in size, which in turn makes pedestrians feel safer because there is less exposure to vehicles during street crossings.*

(A) Vehicle Access from Major Roads.

- (1) Access to employment, residences, or other activity centers within the PD-MUB District shall, to the maximum extent feasible, be from minor arterials or major collectors and not from a bordering major arterial or highway. **Note:** *Based on General Business Land Use Policy #6 in the Revised Revised General Plan, p. 6-18.*

Note: *The following are existing provisions from the PD-IP zone—are they appropriate to this zone?*

- (2) No individual lots or dwelling unit created after adoption of this Ordinance shall have direct access to an arterial or major collector road.
- (3) Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic.
- (4) Primary access and through vehicular traffic that may adversely affect residential neighborhoods shall be avoided. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic.

(B) Vehicle Connections with Adjacent Properties.

- (1) To the maximum extent feasible, private full movement driveways giving access to development sites shall be aligned across arterial, collector, and local streets to

1 contribute to circulation efficiency, except that where an
2 industrial/manufacturing use occurs along arterial frontage
3 and residential use areas are located across the arterial,
4 entries serving the industrial use shall be placed out of
5 alignment with residential use area entries to keep heavy
6 traffic out of residential neighborhoods.

7 (2) To the maximum extent feasible, common or shared service
8 and delivery access shall be provided between adjacent
9 parcels and/or buildings.

10 (3) The County shall require access easements to ensure that
11 adjacent parcels have adequate access if ownership patterns
12 change.

13 (4) Commercial drives or on-site streets shall not align with
14 access to adjacent residential developments. Exceptions
15 may be made in cases where physical constraints dictate
16 that no other option is possible.

17 **4-1517 Pedestrian Connections & Amenities.**

18 (A) **Pedestrian Connections.**

19 (1) Within the PD-MUB district, each development shall
20 provide and contribute to an on-site system of pedestrian
21 walkways designed to provide direct access and
22 connections to and between the following:

23 (a) The primary entrance or entrances to each principal
24 building;

25 (b) Any sidewalks or walkways on adjacent properties
26 that extend to the boundaries shared with the
27 district, subject to subsection (A)(3) below;

28 (c) Any public sidewalk system along the perimeter
29 streets adjacent to the district subject to subsection
30 (A)(3) below;

31 (d) Existing or planned bus or rail transit stops and
32 commuter park-n-ride locations; and

33 (e) On-site amenities, as provided according to
34 Sections 4-1513 and 4-1514.

35 (2) In addition to the connections required in (A)(1) above,
36 each development within the PD-MUB district shall

1 provide on-site pedestrian walkways designed to provide
2 direct access and connections between each principal
3 building's primary entrance(s) and the following, as
4 applicable:

- 5 (a) Land uses and developments adjacent to the subject
6 development, including but not limited to adjacent
7 residential developments, retail shopping centers,
8 office buildings, or restaurants;
- 9 (b) Public park, greenway, or other public or civic use,
10 including but not limited to schools, places of
11 worship, public recreational facilities, or
12 government offices, adjacent to the subject
13 development;
- 14 (c) All parking areas or structures that serve the
15 primary building; and
- 16 (d) On-site amenities or public open spaces provided
17 according to Sections 4-1512, 4-1513, and 4-1514,
18 above.

19 (3) **Pedestrian Connections to Perimeter Public Sidewalks.**

- 20 (a) Connections between the on-site (internal)
21 pedestrian walkway network and any public
22 sidewalk system located along adjacent perimeter
23 streets shall be provided at regular intervals along
24 the perimeter street to provide easy access from the
25 public sidewalk to the interior walkway network.
- 26 (b) All public sidewalks and on-site pedestrian
27 walkways shall be aligned and connected with those
28 on adjacent properties and public rights-of-way.
29 Public sidewalks shall be extended to the edge of
30 the Highway 7 and 50 rights-of-way whenever the
31 County determines that a cross-highway pedestrian
32 connection is feasible in the future. The pedestrian
33 connections required in subsection (A) above shall
34 be made to such public sidewalk.

35 (4) **Most Direct Route Required.** All pedestrian connections
36 shall be designed and sited to ensure the shortest, most
37 direct route possible from point to point. Mid-block
38 pedestrian ways are encouraged wherever possible to
39 assure a more direct connection between adjacent uses.
40 Pedestrians shall be able to make each of the connections

1 identified above without walking across grass or
2 landscaped areas.

3 (B) **Sidewalks and Other On-Site Pedestrian Walkways.**

4 (1) Public sidewalks shall be provided adjacent to all public
5 streets, except alleys.

6 (2) All public sidewalks and on-site pedestrian ways shall be at
7 least eight (8) feet wide within nonresidential areas of the
8 district, and at least five (5) feet wide within residential
9 areas of the district

10 (3) All public sidewalks and on-site pedestrian walkways shall
11 have and maintain a minimum unobstructed pathway at
12 least five (5) feet wide.

13 (4) Each point at which the system of sidewalks or pedestrian
14 walkways crosses a parking area, street, or driveway to
15 make a required connection shall be clearly marked through
16 the use of change in paving materials, height, or distinctive
17 colors, but not through painted striping alone.

18 (C) **Pedestrian/Bicyclist Underpasses or Tunnels.** Where
19 underpasses or tunnels are used for pedestrian or bicyclist
20 pathways, they shall be generally straight and without recesses so
21 that the far end of the underpass or tunnel is visible to the
22 pedestrian or bicyclist.

23 **4-1518 Transition Standards.**

24 (A) **Intent.** In many communities, transitions between adjacent land
25 uses with different intensities are typically achieved through back-
26 to-back building orientation, large distances between uses, and
27 heavily landscaped buffer areas, often with fences and walls.
28 However, some of the unintended results of these techniques
29 include excessive land consumption and interference with
30 pedestrian and vehicle connections. Accordingly, the following
31 standards encourage the use of alternative transition tools,
32 including site/building transitions such as reducing the scale of
33 commercial building mass next to residential, and development of
34 less intense land uses between commercial and single-family
35 residential areas, such as lower-intensity office, civic/open space,
36 or multi-family land uses. Limited operational compatibility
37 standards are offered as a tool to further ease transitions from more

1 intense to less intense land uses. Landscaped buffers, walls, and
2 fences are used only when these other alternative transitions are
3 not effective, not possible, or not desirable given prevailing
4 development patterns in a specific area.

5 (B) **Conflicting Provisions and Relationship to Section 5-1400**
6 **(Buffering and Screening).** All development in a PD-MUB
7 district shall comply with the transition standards stated in this
8 Section 4-1518 in lieu of compliance with the buffer yard and
9 screening standards in Section 5-1400, except to the extent
10 otherwise required by this Section 4-1518.

11 (C) **Applicability.** Incorporation of this section's transition tools shall
12 be required in the following situations:

13 (1) Development or redevelopment in the PD-MUB district of
14 a more intensive use adjacent to an existing, less-intense
15 use, whether the latter use is inside or outside the district
16 boundaries.

17 (a) For purposes of this section, intensity of use shall be
18 determined by reference to the applicable land use
19 groups found in Section 5-1414(A), "Buffer Yard
20 and Screening Matrix," which ranks the use groups
21 in ascending order of intensity (Group 1 being the
22 least intense, Group 13 being the most intense).

23 (2) Establishment of views, uses, or activities on a
24 development site that could be a nuisance for neighbors,
25 such as commercial loading and service areas.

26 (D) **Transition Tools.**

27 (1) **General Requirement.** An applicant shall incorporate Site
28 and Building Transitions, Green/Open Space Transitions,
29 and/or Lesser Intensive Uses as Transitions to the
30 maximum extent practicable before employing more
31 traditional Landscaping and Screening Transitions.
32 Operational compatibility standards (subsection (D)(7)
33 below) shall apply to all new nonresidential development,
34 regardless of type of transition technique used; however,
35 the combination of Site/Building Transitions, Green/Open
36 Space Transitions, and operational compatibility standards
37 should work to reduce the need for more intensive
38 Landscaping and Screening Transitions.

(2) **Preferred Tools.** When a transition is required, an applicant shall incorporate, to the maximum extent practicable, the site/building and green/open space transition tools in subsections (D)(3) and (D)(4) below.

(3) **Site and Building Transitions.** To the maximum extent practicable, new development shall employ the following techniques to ensure compatibility with surrounding development:

- (a) Use similar building setback.
- (b) Use similar building layout.
- (c) Use similar building height (e.g., step down the building height of the more intensive land use to approximately match the building height of an adjacent, less intensive land use).

OPTION #1: *Rather than let the developer choose or not choose this type of step-down in height, require a specified step-down in height between nonresidential and residential uses in the district, unless such uses are separated by a right-of-way that is greater than, e.g., 60 feet wide.*

Option #2: *Require, at all times, similar building mass, scale, and height for buildings located on both sides of the same street, with changes in building massing and height occurring only at mid-block at the rear lot lines.*

- (d) Use similar building width.
- (e) Use similar roof form and building materials.
- (f) Mitigate the larger mass of commercial and industrial buildings with façade articulation (see Section 4-1519(D) below).
- (g) Use front-to-front commercial to residential building orientations, especially with commercial uses that are pedestrian-intensive (e.g., restaurants, banks).
- (h) Orient potentially bothersome or nuisance features or uses away from neighboring uses. For example,

1 avoid placing garages, parking lots, or service areas
2 facing the fronts of neighboring buildings.

- 3 (4) **Green/Open Space Transitions.** New development may
4 employ the following technique to provide transitions and
5 ensure compatibility with surrounding development:

6 (a) Use small green spaces, courts, squares, parks,
7 plazas, and similar spaces that can also function as
8 community gathering places.

9 (b) Use existing natural features as transitions,
10 including natural differences in topography (not
11 retaining walls), streams, existing stands of trees,
12 and similar features. When existing natural features
13 are used as transitions, the County may still require
14 that adequate pedestrian connections to adjacent
15 land uses be accommodated (see Section 4-1517
16 above).

- 17 (5) **Community-Serving Uses as Transitions.** When office,
18 small-scale retail, pedestrian-intensive retail, civic, or
19 public uses are planned as part of the same development
20 containing more intensive commercial uses, the applicant
21 may site the lesser-intensive uses or more community-
22 serving uses as transitions to lower-intensity, adjacent uses,
23 such as residential. For example, post offices, banks, and
24 restaurants--all of which are community-serving uses--
25 may be sited next to, and/or fronting, adjacent medium-
26 density residential uses.

- 27 (6) **Buffer Yard and Screening Transitions.** Where other
28 transitions tools are not possible, or where the County
29 determines other transition tools by themselves do not
30 create an adequate transition to or buffer for less intensive
31 land uses, the buffer yard and screening requirements stated
32 in Section 5-1400 of this Ordinance shall apply.

- 33 (7) **Operational Compatibility Standards.** The County may
34 impose conditions upon the approval of rezoning and other
35 discretionary development applications to ensure that new
36 development will be compatible with existing and planned
37 neighborhoods and uses, including, but not limited to,
38 conditions on the following:

39 (a) Hours of operation;

- (b) Hours of deliveries and other similar services;
- (c) Location and intensity of exterior lighting, including security lighting;
- (d) Placement of trash receptacles;
- (e) Location of delivery and loading zones; and
- (f) Placement and illumination of outdoor vending machines.

(E) **Screening and Buffering of Surface Parking and Service Areas.** Landscaping, buffering, and screening shall be used to screen any permitted outdoor storage, areas for collection of refuse, loading areas, and surface parking from adjacent streets and agricultural and residential uses. Buffering and screening for these purposes shall be according to the standards in Section 5-1400, "Buffering and Screening."

4-1519 Building Standards.

(A) **Intent.** This Section 4-1519's standards are intended to create a quality built environment in the PD-MUB district that will attract visitors and economic activity to the district, will increase property values, and will support transit and other alternative travel modes by providing a human-scaled, pedestrian-friendly environment.

(B) **Applicability.** All development in the PD-MUB district shall comply with the building and design standards in this section.

(C) **Requirement for Four-Sided Treatment.** All sides of a building open to view by the public, whether viewed from public or private property, shall display a similar level and treatment of articulation, fenestration, and quality materials.

(D) **Building Form.** All buildings shall employ textured surfaces, projections, recesses, shadow lines, color, window patterns, overhangs, reveals, changes in parapet heights, and similar architectural devices to avoid monolithic shapes and surfaces and to emphasize building entries.

- (1) Each building taller than 30 feet in height shall be designed so that the massing or façade articulation of the building presents a clear base, middle, and top. The base or ground floor shall be appropriately articulated to provide human scale.

(2) All stairwells, corridors, and circulation components of the building shall be completely enclosed within the building envelope.

(3) Building shall not contain unbroken, flat walls that are fifty (50) feet or greater in length. Buildings having single walls exceeding 50 feet in length shall incorporate one (1) or more of the following for every 50 feet in length:

(a) Changes in color, graphical patterning, changes in texture, or changes in material;

(b) Projections, recesses, and reveals, expressing structural bays or other aspects of the façade with a minimum change of plane of 12 inches;

(c) Windows and fenestration;

(d) Arcades and pergolas;

(e) Towers;

(f) Gable projections;

(g) Horizontal/vertical breaks; or

(h) Other similar techniques.

(E) **Building Orientation.**

(1) All buildings shall be oriented toward adjacent public streets; and

(2) The principal entrance to all buildings shall be from the front public sidewalk or from an adjacent public plaza.

(F) **Perimeter Fences and Walls.** This subsection shall apply to all perimeter fences and walls, when such fences or walls are proposed by an applicant:

(1) **Applicability.** This subsection applies only to “perimeter fences and walls,” which are defined as fences or walls that are forty-two (42) inches or more in height, and are placed within fifty (50) feet of the edge of the right-of-way of an arterial or collector street. Fences or walls that have a surface area that is 25% or less opaque, and hedges and screens composed of living plant material, shall not be included in this definition of “perimeter fences and walls.”

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open space, any non-walled or non-fenced land use, or any land use with a wall or fence lower than forty-two (42) inches.

(5) **Maximum Continuous Fence or Wall Length.** The maximum length of continuous fence (regardless of any changes in the fence plane) shall be one thousand five hundred (1,500) feet along an arterial street and one-thousand (1,000) feet along a collector street.

(6) **Fence or Wall Setbacks.**

(a) Along sidewalks separated from the adjacent road pavement by a landscaped tree lawn, perimeter fences or walls shall be set back at least four (4) feet from the back of the sidewalk, and the area between the sidewalk and the fence shall be landscaped with turf or shrubs with a variety of species for seasonal color and plant variety.

(b) Along sidewalks that are not separated from the adjacent road pavement by a landscaped tree lawn, perimeter fences or walls shall be set back at least eight (8) feet from the back of the sidewalk, and the area between the sidewalk and the fence shall be landscaped with turf and five (5) shrubs and one (1) deciduous tree for every 50 linear feet of fence.

(7) **Ownership and Maintenance.** Except where a perimeter fence or wall is provided by the County or other governmental entity, the ownership and maintenance of such fences and walls shall be the responsibility of a property owners association or adjacent property owner. Such ownership and maintenance shall also extend to the landscaped setback area between the sidewalk and fence or wall, as described and required by this Section or Ordinance.

4-1520 Underground Utilities.

All utility distribution lines located on PD-MUB designated land shall be placed underground.

4-1521 Definitions.

NOTE: *The following new terms from the PD-MUB District will be added to existing Article VIII of the Zoning Ordinance. They are produced here for ease of review purposes only.*

- (A) **Buildable Area.** For purposes of this Section 4-1500, “buildable area” means total gross land area net of primary conservation areas, rights of way, or restricted easements.
- (B) **Compatible or Compatibility.** The characteristics of different uses or activities or design that allow them to be located near or adjacent to each other with little conflict. Some elements affecting compatibility include height, scale, mass, bulk of structures; pedestrian or vehicular traffic, circulation, access and parking impacts; and landscaping, lighting, noise, odor, and building design. Compatibility does not mean “the same as.” Rather, compatibility refers to the sensitivity of development proposals in maintaining or enhancing the character of existing development.
- (C) **Elderly Housing:** Any multi-family dwelling that is occupied not less than 90% by persons aged 60 years or older. **Note:** *Same definition as in §5-1102(B)(1)(c).*
- (D) **Light Industry:** An industrial use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products. Further, “light industry” shall mean uses such as the manufacture of electronic and precision instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories, and similar uses. “Light industry” shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal and related industries. Light industrial uses do not require outdoor storage.
- (E) **Maximum Extent Feasible:** No feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harmful or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining “maximum extent feasible.”

1 (F) **Maximum Extent Practicable:** Under the circumstances,
2 reasonable efforts have been undertaken to comply with the
3 regulation or requirement, that the costs of compliance clearly
4 outweigh the potential benefits to the public or would
5 unreasonably burden the proposed project, and reasonable steps
6 have been undertaken to minimize any potential harm or adverse
7 impacts resulting from noncompliance.

8 (G) **Single-Family Attached Dwellings:** Single-family dwelling units
9 attached to each other by a common vertical wall or walls.
10 “Single-family attached dwellings” include duplex dwellings,
11 townhouse dwellings, triplex dwellings, and quadruplex dwellings,
12 as those dwelling types are defined in Article VIII of this
13 Ordinance.